

Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

NATHEN BARTON,

Plaintiff

v.

SERVE ALL, HELP ALL, INC.; and  
JOHN DOE 1-10,

Defendants.

CASE NO. 3:21-cv-05338

MOTION TO DEEM ADMTTED

PLEASE TAKE NOTICE that Plaintiff Nathen Barton (hereinafter referred to as  
“Plaintiff”) moves the Court to deem admissions admitted.

**I. INTRODUCTION**

On May 7, 2021, I did file an action captioned Nathen Barton v. Serve All, Help All, Inc.  
 (“SAHA”). et al, in the United States District Court, Western District of Washington with cause  
 number 3:21-cv-05338-BHS.

Defense Counsel Donna Gibson appeared for SAHA on June 30, 2021, and directed all  
 parties to “Please send all further notices, pleadings, except for original process to Donna

1 Gibson, Law Office of Donna Beasley Givson, 1204 Cleveland Ave., Mount Vernon, WA  
2 98273”

3 The 26(f) conference for this case was scheduled and took place on July 23, 2021.

4 During that 26(f) conference, I brought up the subject of email of motions and documents  
5 and discovery by email instead of regular mail, and both parties agreed.

6 I told Donna Gibson that I had already printed up and put for mailing three discovery  
7 documents, but in the future I would email as we agreed.

8 On that day, July 23, 2021, I mailed “PLAINTIFF’S FIRST REQUEST FOR  
9 ADMISSION” (“Admissions”) to that address via USPS first class mail with tracking number  
10 9400111108296531530656.

11 The United States Post Office reports delivery of the package on July 26, 2021.

12 The morning of August 30, 2021, I had not received answers to the Admissions, nor  
13 received objections or any response whatsoever.

14 Late morning on August 30, 2021, I called Donna Gibson to inquire about the  
15 Admissions and the other discovery documents sent on July 30, 2021.

16 I reached Donna Gibson and she professed to never have received the package.

17 I reviewed the shipping address and tracking information, and do believe the discovery  
18 request was property mailed, and delivered by the post office.

19 I believe the ‘missing’ package is a delay and intimidation tactic to take advantage of a  
20 pro-se plaintiff.

## 21 **II. MOTION**

22 According to FRCP 29, FRCP 36(a)(3), SAHA had 30 days to respond to the  
23 Admissions, or they are deemed admitted unless the court orders otherwise.

Plaintiff testifies to all these facts in the Declaration associated with this Motion.  
Plaintiff asks this Court to deem the Admissions admitted so he may proceed with this action appropriately informed.

### III. REQUEST OF THE COURT

Plaintiff requests the Court order that for the forgoing reasons, the Admissions in the attached Exhibit B are deemed admitted by SERVE ALL, HELP ALL, INC., for the purposes of this civil action 3:21-cv-05372.

s/ Nathen Barton  
(signed)

8/30/2021  
(Dated)

Nathen Barton  
(718) 710 5784  
4618 NW 11<sup>th</sup> Cir  
Camas WA 98607

### CERTIFICATE OF SERVICE

I certify that a true and accurate copy of this document was served on the Defendant's counsel of record via Email on 8/30/2021 as agreed to in the 26(f) conference held on July 23, 2021.

s/ Nathen Barton  
Nathen Barton

8/30/2021  
(Dated)

Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

NATHEN BARTON,

Plaintiff

v.

SERVE ALL, HELP ALL, INC.; and  
JOHN DOE 1-10,

Defendants.

CASE NO. 3:21-cv-05372

[PROPOSED] ORDER  
DEEMING ADMTTED

ORDER

THIS MATTER came before the Court on Plaintiff's MOTION TO DEEM ADMITTED.

Having considered the matter, as well as the pleadings and records in the Court's file and the relevant legal authorities, the Court is full informed. It is HEREBY ORDERED:

In the above captioned matter, the Requests for Admission attached as Exhibit B to Plaintiff's Motion to Deem Admitted in the above captioned case be deemed admitted against defendant Serve All, Help All, Inc.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Judge of District Court  
Clark County, Washington

APPROVED AS TO FORM

s/ Nathen Barton  
Nathen Barton, Pro Se